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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,173	11/12/2003	Amit Shachak	1005-04-01 USP	6121

42698   7590   12/31/2008
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EXAMINER
FIGUEROA, MARISOL

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
12/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>9/17/2008</u>.

2a) ☒ This action is FINAL.　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-3,7,8,10-13 and 18-24</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-3,7,8,10-13 and 18-24</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>12 November 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　　1. ☐ Certified copies of the priority documents have been received.

　　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

2.   Claims 1-3, 7, 8, 10-13, and 18-24 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one skilled

in the relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention.

        Claim 1 recites the limitations of "one or more values entered by the user with the

configuration data" in line 4 and   "wherein the configuration data is compared with the

respective records of the database for **consistency**, wherein the configuration data is compared to

a range of values to determine whether the configuration data transmitted to the server is valid, in

response to determining that the respective records of the database are inconsistent with the

configuration data" in lines 10-14.

        These newly added limitations raises a new matter issue because the specification does

not disclose or describe "entering one or more values by the user with the configuration data",

"wherein the configuration data is compared with respective records of the database for

consistency" and if the data is found to be inconsistent "comparing the configuration data with a

range of values to determine if the data is valid". The specification only teaches entering the

configuration data by the user and comparing the data with a range of values to check for

validity.

Applicant ids welcomed to point out where in the specification the Examiner can find

support for the above-mentioned limitations if the Applicant believes that the specification

supports the limitations.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-3, 7, 8, 10-13, and 18-24 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   **Claims 1, 3, 11, 13, 21, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable

over ROTH et al. (US 2005/0164692) in views of YAMADERA et al. (US 2002/0123368),

CHILDS et al. (US 2002/0107868) and STAAS, Jr. et al. (US 5,125,091).

Regarding claim 1, Roth discloses a method of updating database records in a mobile

communication network, the method comprising:

determining whether a user has modified configuration data stored in a memory of a

mobile device by comparing one or more values entered by the user with the configuration data

(paragraphs [0005], [0006], [0008], [0017], and [0018]); and

transmitting the configuration data to a server system for updating respective records of a database in the mobile communication network, in response to determining that the configuration data has been modified by the user (paragraphs [0005], [0008]-lines 1-11, and [0021]; the mobile device detects whether the user-configurable customization has changed since an earlier time, and for all the application for which the user has changed the configuration since said earlier time, wirelessly transmitting those changes to a remote server (i.e., database));

wherein the database is updated by replacing at least one record in the database based on the configuration data (paragraph [0021]; the updated information is stored in the remote server (i.e., database)), such that the configuration data is made available to a service representative for trouble shooting purposes (the system has the capability to be used for trouble shooting purposes, furthermore, the language used by the applicant merely suggests or makes optional those features described as "statements of intended use" (i.e., "such that", "for trouble shooting purposes"; such language does not require the steps to be performed or does not limit the scope of a claim limitation, MPEP § 2106 (c), 2111.04).

Roth does not particularly disclose wherein the values are entered by the user through interaction with one or more configuration menus of a user interface of the mobile device.

However, Yamadera teaches entering configuration values by the user through interaction with one or more configuration menus of a user interface of a mobile device (paragraphs [0002]-[0004]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Roth to include the features of wherein the values are entered by the user through interaction with one or more configuration menus of a user interface of the

mobile device, as suggested by Yamadera, since such a modification would facilitate the user-customization of the mobile device configuration.

But, the combination of Roth and Yamadera does not particularly disclose wherein the configuration data is compared with the respective records of the database for consistency, wherein the configuration data is compared to a range of values to determine whether the configuration data transmitted to the server system is valid, in response to determining that the respective records of the database are inconsistent with the configuration data, wherein an alert is generated, in response to determining that the configuration data is outside the range of values.

However, Childs teaches checking data transmitted to a server for storage in a database for consistency and determining whether is invalid, generating an alert in response to determining that the data is invalid (Abstract; paragraph [0018]; Childs teaches a method and system for collecting data, e.g. "RAM data", from distributed locations and transmitting the data to a server computer for storage, the data can be collected on periodic basis and the collected data is transmitted to a server computer, when the server computer receives the data, it validates the data (i.e., check for consistency), if valid, automatically stores the data in a database, but when the data is <u>invalid</u> the server computer sends an error message (i.e., alert) to the sending client (i.e., subscriber) so that the error can be corrected). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include the step of checking data transmitted (i.e., configuration data) to a server for consistency and determining whether is invalid, generating an alert in response to determining that the data is

invalid, as suggested by Childs, in order to correct errors in the data deemed to be invalid and assuring the quality (e.g. validity) of the data that will be stored in the server database.

And, Staas comparing data to a range of values to determine whether the data is valid or not (col. 6, lines 3-7; Staas teaches that a well known method of validation of data is for example, comparing input data with ranges, a list of valid values). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include comparing data with a range of values to determine whether the data is invalid, as suggested by Staas, since this is a standard technique that can reduce the probability that invalid data is used in the system.

Regarding claim 3, the combination of Roth, Yamadera, Childs, and Staas disclose the method of claim 1, in addition Roth discloses further comprising: transmitting the configuration data to the server system within a predetermined time period, when it is determined that the configuration data is modified in the mobile device (paragraphs [0005]-[0006], [0008]-lines 1-18).

Regarding claim 11, Roth discloses a system of updating database records in a mobile communication network, the system comprising:

a comparator for determining whether a user has modified configuration data stored in a memory of a mobile device by comparing one or more values entered by the user with the configuration data (paragraphs [0005], [0006], [0008], [0017], and [0018]): and

a transmitter for transmitting the configuration data to a server system for updating respective records of a database in the mobile communication network, in response to determining that the configuration data has been modified by the user (paragraphs [0005],

[0008]-lines 1-11, and [0021]; the mobile device detects whether the user-configurable customization has changed since an earlier time, and for all the application for which the user has changed the configuration since said earlier time, wirelessly transmitting those changes to a remote server (i.e., database));

wherein the database is updated by replacing at least one record in the database based on the configuration data (paragraph [0021]; the updated information is stored in the remote server (i.e., database)), such that the configuration data is made available to a service representative for trouble shooting purposes (the system has the capability to be used for trouble shooting purposes, furthermore, the language used by the applicant merely suggests or makes optional those features described as "statements of intended use" (i.e., "such that", "for trouble shooting purposes"; such language does not require the steps to be performed or does not limit the scope of a claim limitation, MPEP § 2106 (c), 2111.04).

Roth does not particularly disclose wherein the values are entered by the user through interaction with one or more configuration menus of a user interface of the mobile device.

However, Yamadera teaches entering configuration values by the user through interaction with one or more configuration menus of a user interface of a mobile device (paragraphs [0002]-[0004]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Roth to include the features of wherein the values are entered by the user through interaction with one or more configuration menus of a user interface of the mobile device, as suggested by Yamadera, since such a modification would facilitate the user-customization of the mobile device configuration.

But, the combination of Roth and Yamadera does not particularly disclose wherein the configuration data is compared with the respective records of the database for consistency, wherein the configuration data is compared to a range of values to determine whether the configuration data transmitted to the server system is valid, in response to determining that the respective records of the database are inconsistent with the configuration data, wherein an alert is generated, in response to determining that the configuration data is outside the range of values.

However, Childs teaches checking data transmitted to a server for storage in a database for consistency and determining whether is invalid, generating an alert in response to determining that the data is invalid (Abstract; paragraph [0018]; Childs teaches a method and system for collecting data, e.g. "RAM data", from distributed locations and transmitting the data to a server computer for storage, the data can be collected on periodic basis and the collected data is transmitted to a server computer, when the server computer receives the data, it validates the data (i.e., check for consistency), if valid, automatically stores the data in a database, but when the data is <u>invalid</u> the server computer sends an error message (i.e., alert) to the sending client (i.e., subscriber) so that the error can be corrected). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include the step of checking data transmitted (i.e., configuration data) to a server for consistency and determining whether is invalid, generating an alert in response to determining that the data is invalid, as suggested by Childs, in order to correct errors in the data deemed to be invalid and assuring the quality (e.g. validity) of the data that will be stored in the server database.

And, Staas comparing data to a range of values to determine whether the data is valid or not (col. 6, lines 3-7; Staas teaches that a well known method of validation of data is for example, comparing input data with ranges, a list of valid values). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include comparing data with a range of values to determine whether the data is invalid, as suggested by Staas, since this is a standard technique that can reduce the probability that invalid data is used in the system.

Regarding claim 13, the combination of Roth, Yamadera, Childs, and Staas disclose the system of claim 11, in addition Roth discloses wherein the transmitter transmits the configuration data to the server system within a predetermined time period, when it is determined that the configuration data is modified in the mobile device (paragraphs [0005]-[0006], [0008]-lines 1-18).

Regarding claim 21, the combination of Roth, Yamadera, Childs, and Staas disclose the system of claim 11, in addition Roth discloses wherein the configuration data comprises at least one of user related information, ring tones, display color, contact information, calendar items. and user preferences (Abstract; paragraphs [0005]-[0006]).

Regarding claim 23, the combination of Roth, Yamadera, Childs, and Staas disclose the method of claim 1, in addition Roth discloses wherein the configuration data comprises at least one of user related information, ring tones, display color, contact information, calendar items. and user preferences (Abstract; paragraphs [0005]-[0006]).

6.   **Claims 22 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH
et al. in views of YAMADERA et al., CHILDS et al., STAAS, Jr. et al., and LEVIN et al. (US
2002/0128908).

 Regarding claim 22, the combination of Roth, Yamadera, Childs, and Staas, disclose the
system of claim 11, but the combination does not particularly disclose further comprising
determining a user profile for research or marketing purposes, wherein the profile is determined
with the user's permission.

 However, Levin teaches determining a user profile for research or marketing purposes,
wherein the profile is determined with the user's permission (Abstract). Therefore, it would have
been obvious to a person having ordinary skill in the art at the time of the invention, to modify
the combination to further include the step of determining a user profile for research or
marketing purposes, wherein the profile is determined with the user's permission, as suggested
by Levin, in order to precisely direct marketing campaigns to receptive audiences.

 Regarding claim 24, the combination of Roth, Yamadera, Childs, and Staas, disclose the
method of claim 1, but the combination does not particularly disclose further comprising
determining a user profile for research or marketing purposes, wherein the profile is determined
with the user's permission.

 However, Levin teaches determining a user profile for research or marketing purposes,
wherein the profile is determined with the user's permission (Abstract). Therefore, it would have
been obvious to a person having ordinary skill in the art at the time of the invention, to modify
the combination to further include the step of determining a user profile for research or

marketing purposes, wherein the profile is determined with the user's permission, as suggested

by Levin, in order to precisely direct marketing campaigns to receptive audiences.

7.   **Claims 7 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH

et al. in views of YAMADERA et al., CHILDS et al., STAAS, Jr. et al., and BARTELS et al.

(US 2003/0208704).

     Regarding claim 7, the combination of Roth, Yamadera, Childs, and Staas disclose the

method of claim 1, but the combination does not particularly disclose further comprising:

wherein the configuration data is corrected automatically by the mobile device or server system

or in conjunction with a human operator, in response to determining the configuration data is

outside the range of values.

     However, Bartels teaches automatically correcting data if invalid (paragraphs [0014],

[0020]; Bartels teaches a computer systems that includes an error detector for detecting errors or

corruptions in data stored (i.e., invalid) and is capable of automatically correct the errors without

user intervention). Therefore, it would have been obvious to a person having ordinary skill in the

art at the time of the invention, to modify the combination to include the features of

automatically correcting the configuration data when invalid, as suggested by Bartels, since such

a modification would allow the system to correct the configuration data without user intervention

and therefore, reduce the time it takes to correct the errors in data.

     Regarding claim 18, the combination of Roth, Yamadera, Childs, and Staas disclose the

system of claim 11, but the combination does not particularly disclose further comprising:

wherein the configuration data is corrected automatically by the mobile device or server system

or in conjunction with a human operator, in response to determining the configuration data is outside the range of values.

However, Bartels teaches automatically correcting data if invalid (paragraphs [0014], [0020]; Bartels teaches a computer systems that includes an error detector for detecting errors or corruptions in data stored (i.e., invalid) and is capable of automatically correct the errors without user intervention). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of automatically correcting the configuration data when invalid, as suggested by Bartels, since such a modification would allow the system to correct the configuration data without user intervention and therefore, reduce the time it takes to correct the errors in data.

8.   **Claims 10 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH et al. in views of YAMADERA et al., CHILDS et al., STAAS, Jr. et al., and MACALUSO (US 2005/0079863).

Regarding claim 10, the combination of Roth, Yamadera, Childs, and Staas disclose the method of claim 1, but the combination does not particularly disclose wherein the configuration data comprises at least one of an access point name (APN), a web gateway internet protocol address (IP), a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information.

However, Macaluso discloses configuration data comprising at least one of an access point name (APN), a web gateway internet protocol address (IP), a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information (Abstract; paragraphs [0039]-[0040]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include wherein the configuration data comprising at least one of an access point name (APN), a web gateway internet protocol address (IP), a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information, as suggested by Macaluso, since these are standard configuration parameters on mobile phones.

  Regarding claim 20, the combination of Roth, Yamadera, Childs, and Staas disclose the system of claim 11, but the combination does not particularly disclose wherein the configuration data comprises at least one of an access point name (APN), a web gateway internet protocol address (IP), a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information.

  However, Macaluso discloses configuration data comprising at least one of an access point name (APN), a web gateway internet protocol address (IP), a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information (Abstract; paragraphs [0039]-[0040]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include wherein the configuration data comprising at least one of an access point name (APN), a web gateway internet protocol address (IP), a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information, as suggested by Macaluso, since these are standard configuration parameters on mobile phones.

9.   **Claims 8 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH

et al. in views of YAMADERA et al., CHILDS et al., STAAS, Jr. et al., and ROBERTS et al.

(US 2005/0073991).

    Regarding claim 8, the combination of Roth, Yamadera, Childs, and Staas disclose the

method of claim 1, but the combination does not particularly disclose wherein the configuration

data is re-entered or restored to default or previous values.

    However, Roberts teaches restoring configuration data to default values (paragraph

[0025]). Therefore, it would have been obvious to a person having ordinary skill in the art at the

time of the invention, to modify the combination to include the features of restoring

configuration data to default values, as suggested by Roberts, since such a modification would

allow the user to reset the mobile device to its original settings.

    Regarding claim 19, the combination of Roth, Yamadera, Childs, and Staas disclose the

system of claim 11, but the combination does not particularly disclose wherein the configuration

data is re-entered or restored to default or previous values.

    However, Roberts teaches restoring configuration data to default values (paragraph

[0025]). Therefore, it would have been obvious to a person having ordinary skill in the art at the

time of the invention, to modify the combination to include the features of restoring

configuration data to default values, as suggested by Roberts, since such a modification would

allow the user to reset the mobile device to its original settings.

10.   **Claims 2 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over ROTH

et al. in views of YAMADERA et al., CHILDS et al., STAAS, Jr. et al., and OKKONEN et al.

(US 2004/0166839).

Regarding claim 2, the combination of Roth, Yamadera, Childs, and Staas disclose the method of claim 1, but the combination does not particularly disclose transmitting the configuration data to the server in real time.

However, Okkonen teaches transmitting configuration data to a server in real time (paragraphs [0057]-[0059]; a check is made to determine if there is been a change in the SIM card information, when a change is detected, the SIM card change information is immediately (i.e., real time) communicated to the server). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include transmitting configuration data to a server in real time, as suggested by Okkonen, since such a modification would make faster the delivery of the configuration data.

Regarding claim 12, the combination of Roth, Yamadera, Childs, and Staas disclose the system of claim 11, but the combination does not particularly disclose transmitting the configuration data to the server in real time.

However, Okkonen teaches transmitting configuration data to a server in real time (paragraphs [0057]-[0059]; a check is made to determine if there is been a change in the SIM card information, when a change is detected, the SIM card change information is immediately (i.e., real time) communicated to the server). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include transmitting configuration data to a server in real time, as suggested by Okkonen, since such a modification would make faster the delivery of the configuration data.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Marisol Figueroa/
Examiner, Art Unit 2617